

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 06 C 4546
)	
BRUCHER AND RICKLEFF BROS.,)	JUDGE GEORGE W. LINDBERG
INC., an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF DEFAULT AND JUDGMENT

NOW COME Plaintiffs, by their attorneys, and move for entry of judgment by default against Defendant, BRUCHER AND RICKLEFF BROS., INC., an Illinois corporation, in the total amount of \$65,619.55, plus Plaintiffs' court costs and reasonable attorneys' fees in the amount of \$3,720.00.

1. On September 27, 2006, this case was dismissed with prejudice pursuant to the filing of a Stipulation to Dismiss. The Court retained jurisdiction to enforce the terms of the Stipulation.

2. On March 15, 2007, this Court granted Plaintiffs' motion to reopen the case for the limited purpose of enforcing the terms of the Stipulation to Dismiss and for an order directing Defendant to submit its monthly fringe benefit contribution reports for October 2006 through February 2007. Defendant was ordered to submit its reports by March 30, 2007 (a copy of the Minute Order entered March 15, 2007 is attached hereto).

3. In March 2007, the Plaintiff Funds received Defendant's contribution reports for October 2006 through December 2006, but Defendant failed to remit payment of the fringe benefit

contributions due thereon. Subsequent thereto, Defendant has submitted its January 2007 and February 2007 contribution reports, also without payment of the contributions due.

4. The fringe benefit contribution reports submitted by Defendant for the time period October 2006 through February 2007 show Defendant is delinquent in contributions to the Funds in the amount of \$55,790.58. (See Affidavit of Scott P. Wille)

5. The amount of \$5,579.06 is due for liquidated damages for the time period October 2006 through February 2007. (Wille Aff. Par. 4(c)).

6. Further, pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the time period December 2005 through July 2006, in the total amount of \$4,249.91 (Wille Aff. Par. 5).

7. In addition, Plaintiffs have incurred court costs totaling \$420.00 and reasonable attorneys' fees totaling \$3,300.00. (See Affidavit of Catherine M. Chapman).

8. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$69,339.55.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$69,339.55.

/s/ Jennifer L. Dunitz-Geiringer

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 8th day of August 2007:

Ms. Deborah A. Rickleff, Registered Agent
Brucher and Rickleff Bros., Inc.
600 Industrial Drive, #102
Naperville, IL 60563

/s/ Jennifer L. Dunitz-Geiringer

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